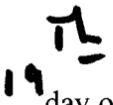


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES J. STRAPPLE, JR.,	)	
Petitioner	)	
	)	
vs.	)	<b>2:05cv534</b>
	)	<b>Electronic Filing</b>
MARILYN BROOKS, Superintendent;	)	
THE DISTRICT ATTORNEY OF THE	)	Judge Cercone
COUNTY OF WESTMORELAND; THE	)	Magistrate Judge Hay
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA,	)	
Respondents	)	

 **ORDER**

AND NOW, this 19<sup>th</sup> day of April, 2006, after the petitioner, James J. Strapple, Jr., filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is denied;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff/defendant desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



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DAVID STEWART CERCONO  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

James J. Strapple, Jr.  
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SCI Albion  
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